

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. APPLICATION NO. 10/662,380
ATTORNEY DOCKET NO. Q77335

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1. *(Currently Amended)* A phase shifted binary transmission encoder with a data input and a data output, where the phase shifted binary transmission encoder comprises:includes an exclusive OR or-gate comprising having two inputs and an output, the output of the exclusive OR or-gate being the data output of the phase shifted binary transmission encoder, and first and second transparent D flip-flops connected to a clock input, wherein where one input of the exclusive OR or-gate is connected with the data output via the a-first flip-flop and the other input of the exclusive OR or-gate is connected with the data input via the a-second flip-flop, wherein a read-in pulse of the first and second flip-flops lies within one bit of the data input signal and is shorter than the delay within the exclusive OR gate~~both flip-flops being connected with a clock input, wherein the flip-flops are transparent D flip-flops.~~

2. *(Original)* A phase modulator comprising the phase shifted binary transmission encoder according to claim 1.

3. *(Original)* An optical network element comprising a phase modulator according to claim 2 for phase shaped binary transmission.